

Notice of Allowability

Application No.

10/668,758

Examiner

Gary Estremsky

Applicant(s)

CARTER, ALAN

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to arguments filed 8/28/06.
2. ☒ The allowed claim(s) is/are 1, 3 and 4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3, and 4 are allowed.
2. Applicant's arguments regarding clarity of the claimed invention filed 8/28/06 are persuasive. Upon further consideration, the examiner agrees that the preamble sets forth the invention to be "a device configured to mount,...", noting that the clause beginning at first line of the claim ("For use in conjunction with,...") describes intended use of the claimed invention (in an inverted sentence structure) and does not require the invention to be a method of using. Accordingly, rejection under 35 USC 2nd paragraph is withdrawn.

Applicant's previous arguments, the original disclosure, and illustration from prior art (providing evidence of knowledge of one of ordinary skill in the art) are persuasive that the original disclosure provided sufficient guidance for one of ordinary skill in the art to make and use the invention even accounting that every detail of the preferred embodiment was not originally illustrated. The structure not shown in the original disclosure was previously well known to one of ordinary skill in the art.

The prior art rejection from the previous Office Action has been reviewed and found to be in error where the rejection made under 35 USC 102 cites a first reference (Frayne '742) as basis for the grounds for the rejection in the preamble of the rejection but the body of that same rejection details how structure of a different reference

(Rashbaum '280) may be applied against the claim limitations. Both references have been made of record and applied in previous grounds of rejection whereby the error is presumed to be the result of editing.

Accordingly, the teachings of both references alone, and in combination have been reconsidered but do not fully teach the claimed invention, most particularly including "the body including a quick-release mechanism for engaging the U-shaped hasp of the window, the quick-release mechanism including a spring-biased pushbutton on the body for releasing the U-shaped hasp of the window". Frayne '742 has no reasonably similar pushbutton structure where a U-shaped hasp is engaged and released by a threaded screw/nut. Rashbaum '280 teaches structure including a pushbutton 17, but that structure is not reasonably able to engage a U-shaped hasp but is instead, used to change the length of the body, and is not located at either engaging end of the body. The balance of prior art has been reviewed but does not remedy deficiencies in teachings of the prior art.

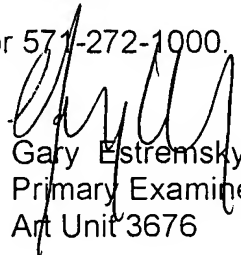
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Estremsky
Primary Examiner
Art Unit 3676